

to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON, of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1430. Mr. SANDERS (for himself, Mr. CASEY, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to

amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1412.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

#### **SEC. 556. GOVERNMENT NEUTRALITY IN CONSTRUCTING.**

(a) **PURPOSES.**—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) **PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.**—

(1) **PROHIBITION.**—

(A) **GENERAL RULE.**—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construc-

tion project or another related construction project; or

(II) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) **APPLICATION OF PROHIBITION.**—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) **RULE OF CONSTRUCTION.**—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) **RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.**—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A), do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) **FAILURE TO COMPLY.**—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) **EXEMPTIONS.**—

(A) **IN GENERAL.**—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) **SPECIAL CIRCUMSTANCES.**—For purposes of subparagraph (A), a finding of “special circumstances” may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) **ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.**—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all

of the provisions of paragraphs (1) or (3), if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) **FEDERAL ACQUISITION REGULATORY COUNCIL.**—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) **DEFINITIONS.**—In this subsection:

(A) **CONSTRUCTION CONTRACT.**—The term “construction contract” means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) **LABOR ORGANIZATION.**—The term “labor organization” has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

**SA 1413.** Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, after line 18, insert the following:

**SEC. \_\_\_\_.** None of the funds in this Act provided for public transportation security assistance under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) shall require a cost share. Such public transportation security assistance shall be provided directly to public transportation agencies.

**SA 1414.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **LABOR CONDITION APPLICATION.**

Section 424(a)(1) of the Consolidated Appropriations Act, 2005 (Public Law 108-447), which amends 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), is amended—

(1) in clause (i) of the quoted material, by striking “if the Secretary of Labor has reasonable cause to believe” and all that follows and inserting “with regard to the employer’s

compliance with the requirements under this subsection.”;

(2) in clause (ii), by striking “and whose identity is known” and all that follows through “failures,” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements under this subsection.”;

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking “meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months” and inserting “comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months”;

(7) by amending clause (v), as redesignated, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure the compliance of the employer with the requirements under this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(8) in clause (vi), as redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(9) by inserting before the end quote the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).

**SA 1415.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.**

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a) is amended—

(1) by striking “The person” and inserting the following:

“(i) **UPON HIRING.**—The person”; and

(2) by adding at the end the following:

“(ii) **EXISTING EMPLOYEES.**—An employer that elects to verify the employment eligibility of existing employees shall verify the

employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.”.

**SA 1416.** Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. DEFINITION OF SWITCHBLADE.**

Subsection (b) of the first section of the Act entitled “An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes” (commonly known as the Federal Switchblade Act) (15 U.S.C. 1241(b)) is amended to read as follows:

“(b) The term ‘switchblade knife’ means any knife having a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife.”.

**SA 1417.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** The Secretary of Homeland Security shall promulgate regulations that amend section 235.1(f)(v) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to permit Mexican nonimmigrant aliens admitted into the United States to visit within the State of New Mexico (within 100 miles of the international border between the United States and Mexico border) for a period not to exceed 30 days without filling out an Arrival-Departure Record (I-94 Form) if the alien—

(1) is not required to present a visa and a passport under section 212.1(c)(1); and

(2) is admitted at the Columbus, Santa Teresa, or the Antelope Wells ports-of-entry in the State of New Mexico.

**SA 1418.** Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program will continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

**SA 1419.** Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike the preamble and insert the following:

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas on December 19, 2008, President George W. Bush stated: "The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our Nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination, and bounce back from tough times and emerge stronger than before.";

Whereas on March 30, 2009, President Barack Obama stated: "We cannot, and must not, and will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; it's a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.";

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the Nation;

Whereas the Federal Government will work to protect the investment of the American taxpayers;

Whereas the Federal Government will not intervene in the day-to-day management of General Motors or Chrysler; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are responsible stewards of taxpayer dollars and take all possible steps to expeditiously return to viability: Now, therefore, be it

**SA 1420.** Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be

proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Amend the title so as to read: "A resolution expressing the sense of the Senate that the investment by the Federal Government in the American automotive industry is temporary.".

**SA 1421.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant any immigration benefit unless—

(1) a background check is completed on the alien who requests the immigration benefit;

(2) all the results of such background check have been received and reviewed by United States Citizenship and Immigration Services; and

(3) the results of such background check do not preclude the granting of such immigration benefit.

**SA 1422.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security and the Department of Justice to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(6) the Committee on Homeland Security of the House of Representatives.

**SA 1423.** Mr. KYL submitted an amendment intended to be proposed to

amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, insert "": *Provided further*, That amounts provided under this heading shall be used to complete not fewer than 330 miles of at least double-layer fencing along the southwest border" before the period at the end.

**SA 1424.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 20 through 25, and insert the following:

(1) \$970,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount made available under this paragraph, \$80,000,000 shall be for Operation Stonegarden: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by \$20,000,000.

**SA 1425.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

#### SEC. 556. GRANTS FOR INDIAN TRIBES.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may award grants to eligible Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration, smuggling, and drug trafficking.

(b) ELIGIBILITY.—An Indian tribe is eligible to receive a grant under this section if the Indian tribe provides officials of the Department of Homeland Security with—

(1) access to independent districts within an Indian tribe with land adjacent to an international border of the United States for placement of equipment;

(2) authority to construct adequate patrol roads on tribal lands; and

(3) authority to install necessary physical barriers on tribal lands.

(c) USE OF GRANT FUNDS.—Grants awarded under this section shall be used in areas in which the recipient tribe is cooperating with the Department of Homeland to support—

(1) law enforcement;

(2) border security; and

(3) environmental and tribal preservation efforts, if necessary.

(d) APPROPRIATION.—There is appropriated \$5,000,000 for grants under this section.

(e) OFFSET.—The amount appropriated under title I for departmental management and operations is hereby reduced by \$5,000,000.

**SA 1426.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 6 and all that follows through page 11, line 22 and insert the following:

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,390,100,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than \$2,569,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, \$6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as de-

fined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by \$30,000,000.

**SA 1427.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike line 15 and all that follows through page 32, line 11, and insert the following:

STATE AND LOCAL PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$3,097,200,000 shall be allocated as follows:

(1) \$950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, \$60,000,000 shall be for Operation Stonegarden.

(2) \$887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, \$20,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) \$40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) \$15,000,000 shall be for the Citizen Corps Program.

(6) \$356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$25,000,000 shall be for Amtrak security, and not less than \$6,000,000 shall be for Over-the-Road Bus Security Assistance.

(7) \$350,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) \$50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) \$50,000,000 shall be allocated for grants, contracts, cooperative agreements and other such activities under the Driver's License Security Grants Program, pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109-13) or 232(b)(15) of the Homeland Security Act of 2002 (6 U.S.C. 162(b)(15)).

(10) \$30,000,000 shall be allocated for the establishment of cooperative exchange of electronic vital event verification information among the State Motor Vehicle Administrators and carried out by the Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, and in consultation with State vital statistics offices and appropriate Federal agencies: *Provided*, That the amount appropriated under title I for departmental management

and operations is hereby reduced by \$30,000,000.

**SA 1428.** Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. IMMIGRATION PROVISIONS.**

(a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110-391), is amended by striking “September 30, 2009” each place such term appears and inserting “September 30, 2012”.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J-1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) RELIEF FOR ORPHANS AND SPOUSES OF UNITED STATES CITIZENS.—

(1) AMENDMENT.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(A) by inserting “or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit” after “for at least 2 years at the time of the citizen's death”; and

(B) by adding at the end the following: “For purposes of this subsection, an alien who was the child or parent of a citizen of the United States on the date of the citizen's death shall be considered to remain an immediate relative after such date if the alien parent files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such date or the alien child files such a petition before reaching 21 years of age.”.



(2) **PROCEDURE FOR GRANTING IMMIGRANT STATUS.**—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by adding at the end of the following: “An alien parent or child described in the fourth sentence of section 201(b)(2)(A)(i) also may file a petition with the Attorney General under this subparagraph for classification of the alien under such section.”.

(3) **SPECIAL RULE FOR ORPHANS AND SPOUSES.**—In applying section 201(b)(2)(A)(i) of the Immigration and Nationality Act, as amended by paragraph (1), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(4) **ELIGIBILITY FOR PAROLE.**—If an alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined in section 201(b)(2)(A)(i) of the Immigration and Nationality Act) due to the death of the alien's citizen relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(d) **ADJUSTMENT OF STATUS.**—

(1) **SURVIVING SPOUSES, PARENTS, AND CHILDREN.**—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(n) **APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.**—

“(1) **IN GENERAL.**—An alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative may have such application adjudicated as if such death had not occurred.

“(2) **ALIEN DESCRIBED.**—An alien described in this paragraph is an alien who—

“(A) is an immediate relative (as described in section 201(b)(2)(A));

“(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203); or

“(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)).”.

(2) **REFUGEES.**—Section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1259(b)) is amended by adding at the end the following: “An alien who is the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)) who applies for adjustment of status before the death of a qualifying relative may have such application adjudicated as if such death had not occurred.”.

(3) **AFFIDAVIT OF SUPPORT BY JOINT SPONSOR.**—Section 212(a)(4)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by inserting “, or if the petitioning relative has died, a joint sponsor (as described in section 213A(f)(2)) has executed an affidavit of support with respect to such alien, in accordance with section 213A” before the period at the end.

(e) **TRANSITION PERIOD.**—

(1) **IN GENERAL.**—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) **ELIGIBILITY FOR PAROLE.**—If an alien described in section 245(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1255(n)(2)) was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as a relative or beneficiary due to the death of the alien's relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(f) **PROCESSING OF IMMIGRANT VISAS AND DERIVATIVE PETITIONS.**—

(1) **IN GENERAL.**—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(A) by striking “After an investigation” and inserting the following:

“(1) **IN GENERAL.**—After an investigation”; and

(B) by adding at the end the following:

“(2) **DEATH OF QUALIFYING RELATIVE.**—

“(A) **PENDING PETITIONS.**—Any alien described in subparagraph (C) whose qualifying relative died after filing a petition (or, in the case of a refugee or asylee, after filing a relative petition), may have such petition or immigrant visa application adjudicated as if such death had not occurred.

“(B) **APPROVED PETITIONS WHERE AN IMMIGRANT VISA HAS BEEN ISSUED.**—An immigrant visa or relative petition shall remain valid notwithstanding the death of the qualifying relative.

“(C) **ALIEN DESCRIBED.**—An alien described in this subparagraph is an alien who is—

“(i) an immediate relative (as described in section 201(b)(2)(A));

“(ii) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

“(iii) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

“(iv) the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)).”.

(2) **APPROVED PETITIONS.**—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended by adding at the end the following: “The death of a petitioner or primary beneficiary shall not constitute good and sufficient cause to revoke the approval of any petition.”.

(3) **TRANSITION PERIOD.**—

(A) **IN GENERAL.**—Notwithstanding a denial or revocation of an application for an immigrant visa for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(B) **INAPPLICABILITY OF BARS TO ENTRY.**—Notwithstanding section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)), an alien's application for an immigrant visa shall be considered if the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act.

(g) **NATURALIZATION.**—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting “(or, if the spouse is deceased, the spouse was a citizen of the United States)” after “citizen of the United States”.

(h) **REDUCTION OF IMMIGRANT VISA NUMBERS.**—For purposes of applying the numerical limitations in sections 201 and 203 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1153), aliens granted adjustment of status or immigrant visas under this section,

or the amendments made by this section, shall be subject to the numerical limitations contained in such sections 201 and 203, except that—

(1) the total number of visas made available for aliens whose qualifying relative died more than 10 years before the date of the enactment of this Act shall not exceed 100; and

(2) aliens described in the amendment made by subsection (c)(1)(A) shall be given priority for receiving such visas.

(i) **EFFECTIVE DATE.**—The amendments made by this section shall apply to all petitions or applications described in such amendments that—

(1) are pending as of the date of the enactment of this Act; or

(2) have been denied, but would have been approved if such amendments had been in effect at the time of adjudication of the petition or application.

**SA 1429.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, beginning on line 4, strike all through line 14 and insert the following:

SEC. 534. None of the funds made available in this Act or any other Act for U.S. Customs and Border Protection or any other agency may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

**SA 1430.** Mr. SANDERS (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **FIREFIGHTER ASSISTANCE GRANTS AND RECRUITMENT AND RETENTION GRANTS.**

For an additional amount for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) under the heading “FIREFIGHTER ASSISTANCE GRANTS” under the heading “FEDERAL EMERGENCY AND MANAGEMENT AGENCY” under title III there are appropriated \$100,000,000, of which \$50,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$50,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): *Provided*, That of the \$50,000,000 made available under this section to carry out section 34 of that Act (15 U.S.C. 2229a), \$20,000,000 shall be available for recruitment and retention grants under that section. The total amount of appropriations under the heading “RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS” under the heading “SCIENCE AND TECHNOLOGY” under title IV of this Act is reduced by \$100,000,000.

**SA 1431.** Mr. BENNET submitted an amendment intended to be proposed to

amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, insert “: *Provided*, That of the total amount appropriated under this heading not more than \$55,235,000 may be expended or obligated, unless not later than 180 days after the date of enactment of this Act the Department of Homeland Security implements the recommendations outlined in the Independent Auditor’s Report contained within the Department of Homeland Security’s Office of Inspector General’s report # OIG-09-72, dated May 2009” before the period.

**SA 1432.** Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 33, line 10, strike “no less” and all that follows through “Montana;” on line 12.

**SA 1433.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROPER AWARDING OF INCENTIVE FEES FOR  
CONTRACT PERFORMANCE

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

**SA 1434.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

COMPETITIVE BIDDING

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award such grant uses competitive procedures to select the grantee or award recipient.

**SA 1435.** Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated by this Act may be used by U.S. Customs and Border Protection to prohibit the importation of certain knives with spring-assisted opening mechanisms.

**SA 1436.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMPLEMENTATION OF THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.

For an additional amount under the heading “MANAGEMENT AND ADMINISTRATION” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY” under title III of this Act, there is appropriated \$35,000,000 for implementation of the requirements of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1395), and the amendments made by that Act. The total amount of appropriations under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY” under title III of this Act is reduced by \$35,000,000.

**SA 1437.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 15, insert “: *Provided further*, That of the total amount appropriated under this heading, \$22,100,000 shall be available to ensure the capability of the United States Secret Service to communicate securely with the White House Communications Agency” before the period.

**SA 1438.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a demonstration program that is consistent with the technology acquisition and

dissemination plan submitted under section 7201(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3810) to test the feasibility of using existing automated document authentication technology at select immigration benefit offices, and ports of entry to determine the effectiveness of such technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) From amounts appropriated under the heading “U.S. CUSTOMS AND BORDER PROTECTION” and under the subheading “SALARIES AND EXPENSES”, not more than \$1,000,000 may be expended to carry out the demonstration program described in subsection (a).

(c) Not later than 90 days after the date on which the demonstration program under subsection (a) is completed, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) a report on the results of the demonstration program.

**SA 1439.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. FLORIDA LONG-TERM RECOVERY OFFICE.

None of the funds made available under this Act may be used to close the long-term recovery office of the Federal Emergency Management Agency located in Florida until 60 days after the date on which the Administrator of the Federal Emergency Management Agency—

(1) determines that there are insufficient recovery activities to be performed at the office relating to the hurricanes that affected Florida during 2004 and 2005; and

(2) notifies the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives regarding the closure of the office.

**SA 1440.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. INVESTIGATIONS INVOLVING FEDERAL ASSISTANCE PROGRAMS AND FINANCIAL INSTITUTIONS.

For an additional amount under the heading “SALARIES AND EXPENSES” under the heading “UNITED STATES SECRET SERVICE” under title II there is appropriated \$10,000,000 for investigations involving Federal assistance programs and financial institutions, including the enforcement of laws relating to mortgage fraud, as authorized under section 3(d) of the Fraud Enforcement Recovery Act of 2009 (Public Law 111-21; 123 Stat. 1620). The total amount of appropriations under the heading “OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT” under title I of this Act is reduced by \$10,000,000.

**SA 1441.** Mr. MENENDEZ submitted an amendment intended to be proposed

to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 3, insert “: *Provided further*, That none of the funds made available under the preceding proviso may be expended, unless the Administrator of the Federal Emergency Management Agency designates New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System” before the period.

**SA 1442.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ FLOOD MAP AND FLOOD RISK PROJECTS.**

(a) FINDINGS.—Congress finds that—

(1) Risk MAP products are very important on many fronts because the products are used by insurance companies, State and local governments, and the Federal Government, to develop improved understandings of flood risk and other hazard information to mitigate loss;

(2) local regions have unique characteristics and flooding issues that are best understood by local companies who have worked on flood maps in the region;

(3) the intimate understanding of a region helps local companies produce a superior product;

(4) small and medium-sized businesses form the backbone of the economy, providing more net new jobs than large companies; and

(5) current unemployment rates combined with a severe economic slowdown make it even more important to foster small and medium-sized businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should ensure that small and medium-sized businesses with local expertise be allowed to continue flood map and flood risk projects within the region small businesses currently hold Indefinite Delivery/Indefinite Quantity contracts.

**SA 1443.** Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. FIRE GRANTS.**

For an additional amount under the heading “FIREFIGHTER ASSISTANCE GRANTS” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY” under title III of this Act, there is appropriated \$10,000,000 for grants under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229). The total amount of appropriations under the heading “AVIATION SECURITY” under the

heading “TRANSPORTATION SECURITY ADMINISTRATION” under title II of this Act, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by \$10,000,000.

**SA 1444.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated or otherwise made available to the Department of Homeland Security for fiscal year 2010 may be used to enforce Coast Guard or other regulations with respect to fishing guides and other operations of uninspected vessels on Lake Texoma.

**SA 1445.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NONNAVIGABILITY OF LAKE TEXOMA.**

For purposes of the jurisdiction of the Coast Guard, Lake Texoma, in the States of Texas and Oklahoma, is declared not to be navigable waters of the United States.

**SA 1446.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. \_\_\_\_ (a) EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this

section does not affect any requirement under State law or under any license issued under State law.

SEC. \_\_\_\_ Section 70105(b)(2)(B) of title 46, United States Code, is amended by inserting “and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title” before the semicolon.

**SA 1447.** Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, add the following:

**SEC. 556. DEFINITION OF SWITCHBLADE KNIVES.**

Section 4 of the Act entitled “An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes” (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking “or” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; or” and

(3) by adding at the end the following:

“(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 8, 2009 at 2 p.m., to conduct a hearing entitled “The Effects of the Economic Crisis on Community Banks and Credit Unions in Rural Communities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 8, 2009, in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and